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DECISION



Fitzmaurice

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

20869

FILE: E-206285

DATE: February 22, 1982

MATTER OF: Small Business Systems, Inc,

DIGEST:

Protest filed with GAO more than 10 days
after protester learns of protest basis
is dismissed as untimely.

Small Business Systems, Inc. (SBS), protests the decision of the National Labor Relations Board (NLRB) to eliminate the SBS proposal from the competition under solicitation No. 041-81-B-0006, for word processing equipment.

NLRB notified SBS, by letter dated January 4, 1982, that its proposal was eliminated from the competition because it did not meet the solicitation's mandatory requirement regarding the footnoting of documents. SBS received this letter on January 15, 1982. On February 3, 1982, we received a letter from SBS protesting NLRB's decision.

Under our Bid Protest Procedures, a protest against an agency action such as involved here must be filed (received) in our Office not later than 10 working days after the basis of the protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.1(b)(2) (1981). As indicated above, SBS learned of the NLRB decision on January 15, 1982; however, we did not receive its protest letter until February 3, 1982. Since this was more than 10 working days after SBS knew the basis of its protest, we find its protest to be untimely and, therefore, not for consideration on the merits.

We dismiss the protest.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel